

## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Matthew McLellan, depose and make this affidavit in support of a complaint alleging a violation of Title 8, United States Code, Section 1326(a) by Mateo CARMELO-BARTOLO aka JUAN CANIO-GASPAR aka MATEO PEREZ-PAEZ aka JUAN CANO-MARCOS. I have been an agent with the United States Border Patrol (USBP) since 2008 and am presently assigned as a BPA-I at the Houlton, Maine Border Patrol Station. During my time as an agent, I have successfully completed the United States Border Patrol Academy and have since completed a number of classes specifically related to the investigation of border related offenses pertaining to Title 8, 18, 19 and 21 of the United States Code. I have been assigned as a Border Patrol Agent-Intelligence from 2015 to present where I have gained significant knowledge of border related crimes and methods used to facilitate these crimes within Houlton Station's area of responsibility. I have also had the opportunity to conduct independent investigations into border related crimes in the past that have resulted in charges being filed against numerous individuals. I base this affidavit on my own investigation as well as discussions with other agents and/or reading of investigative reports and other materials.

## **BACKGROUND OF INVESTIGATION AND PROBABLE CAUSE**

1. On September 19, 2019, U.S. Border Patrol Agent (BPA) Sean McDonough and BPA Lewis Chambers, were assigned to conduct surveillance duties in Bangor Maine.
2. While conducting patrol activities between transportation hubs, they observed a group of people who appeared to be of Central-American origin. These individuals entered the Goodwill, located at 805 Stillwater Ave, Bangor, ME 04401. The BPAs entered the store where BPA McDonough overheard several people speaking Spanish. BPA McDonough approached

the individuals and initiated a consensual encounter. In English, BPA McDonough said "Hello" and asked if the group of people had come from Texas. A male subject, later identified as Mateo CARMELO-BARTOLO (DOB: XX/XX/1987), stated that he did not speak English. BPA McDonough asked him, in Spanish, where he was from and CARMELO-BARTOLO stated that he and his family were from Guatemala. With CARMELO-BARTOLO was his wife, his sister-in-law, his unidentified brother, and two minor children.

3. The BPAs exited the store and waited for the group to leave the store. At approximately 5:25 pm, the group of individuals exited (minus the unidentified brother). The BPAs approached them and identified themselves in Spanish as U.S. Border Patrol Agents. BPA McDonough presented his badge and credentials to CARMELO-BARTOLO and asked him if he had any immigration documents, to which he replied, "No." BPA McDonough asked him how he came to the United States, and he replied that he entered illegally. BPA McDonough asked him if he was still present illegally, and he said that he was. BPA McDonough asked him where he had entered the United States, and CARMELO-BARTOLO stated that he entered in 2013 through Rio Bravo.

4. BPA McDonough informed CARMELO-BARTOLO that he was not free to leave, and asked if he had any form of identification. CARMELO-BARTOLO presented a Guatemalan passport and a Guatemalan Consular Identification Card. The other subjects claimed to not have any identification on them, but stated that they had been arrested by the U.S. Border Patrol in El Paso, Texas earlier this year, and that they had pending immigration court dates.

5. At approximately 5:30 pm, all subjects were run through Houlton Sector Communications, and Notice to Appear were discovered for the two women. CARMELO-

BARTOLO had no record of encounter or immigration status to be or remain in the United States.

6. At approximately 6:30 pm, CARMELO-BARTOLO was placed under arrest and transported to the Houlton Border Patrol Station for processing as an alien illegally present in the United States. BPA McDonough asked CARMELO-BARTOLO if he had ever been arrested before and he stated that he had not.

7. At the U.S. Border Patrol Station, CARMELO-BARTOLO's fingerprints and biographical information were enrolled into the IDENT system. CARMELO BARTOLO's fingerprints returned with a positive record hit in the immigration system as a prior deport. CARMELO BARTOLO had used the aliases CANIO-GASPAR, Juan (10/22/1988), PEREZ-PAEZ, Mateo (DOB: 10/22/1988), and CANO-MARCOS, Juan (DOB: 11/22/1989) during his previous apprehensions and deportations.

8. A records check revealed that CARMELO BARTOLO had previously been deported on 09/27/2007 through Laredo, Texas and on 08/25/2010 through Phoenix, Arizona. There is no record of CARMELO BARTOLO requesting relief from the United States Attorney General that would allow his re-entry.

9. At approximately 10:47 pm, CARMELO-BARTOLO was asked to give a sworn statement. This interview was conducted by myself and BPA Jason May at the Houlton Border Patrol Station in the presence of BPA Chambers and BPA McDonough. CARMELO-BARTOLO was read his rights in Spanish and also read them in Spanish, himself. CARMELO-BARTOLO stated that he understood his rights and agreed to speak with BPA-I McLellan.

10. During the interview, CARMELO-BARTOLO stated that he was born in Guatemala and is a citizen of Guatemala. When asked if CARMELO-BARTOLO had any

immigration documents that would allow him to enter or remain in the United States legally, he said, "no." CARMELO-BARTOLO stated that his reason for entering the United States illegally was to work and provide for his wife. When asked if an immigration officer at a port of entry had inspected CARMELO-BARTOLO, he stated, "no." When asked how many times the United States Border Patrol had apprehended him, he stated, "three times before; this is the fourth." When asked how long he intended to stay in the United States, he stated, "20 years."

11. At 11:06 pm, CARMELO-BARTOLO was made aware of his right to speak to a Consular Official. CARMELO-BARTOLO indicated that he would like to speak to a Consular Official. Due to the late hour, agents were unable to contact the Guatemalan Consulate in Boston.

12. Based on my training and experience, and supported by the foregoing facts, I have probable cause to believe CARMELO-BARTOLO violated Title 8, United States Code, Section 1326(a).

I, Matthew McLellan, hereby swear under oath that the information set forth in this affidavit is true and correct to the best of my knowledge, information, and belief, and that I make this oath under pains and penalties of perjury.

Dated at Bangor, Maine this 20th day of September 2019.

  
Matthew McLellan, Border Patrol Agent  
United States Border Patrol  
Department of Homeland Security

Sworn and subscribed before me this 20th day of September, 2019.

  
John C. Nivison  
United States Magistrate Judge